
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CARLOS OCHOA-OROZCO, #26996-078

versus

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:20-CV-518
CRIMINAL ACTION NO. 4:17-CR-47(2)

MEMORANDUM OPINION AND ORDER

Carlos Ochoa-Orozco filed a motion for leave to appeal *in forma pauperis* (#34). Appellant may proceed *in forma pauperis* on appeal only if he is economically eligible and presents a nonfrivolous issue. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). A review of the case shows that, on September 26, 2023, the Court denied Movant's Motion to Vacate, Set Aside, or Correct Sentence because the issues raised were without merit. At that time, the Court denied a certificate of appealability (#27). Because Movant has neither presented a nonfrivolous issue nor shown that he is entitled to a certificate of appealability, he also has not shown that he is entitled to proceed *in forma pauperis* on appeal. *United States v. Delario*, 120 F.3d 580, 582 (5th Cir. 1997).

It is therefore **ORDERED** Movant's motion for leave to appeal *in forma pauperis* (#34) is **DENIED**.

SIGNED at Beaumont, Texas, this 18th day of December, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE